

1 Repeal 2 Cal. Code Regs. Section 18704.1:

2 **~~§ 18704.1. Determining When A Public Official is Making a Governmental Decision.~~**

3 ~~(a) A public official "makes a governmental decision," except as provided in Regulation~~
4 ~~18704.4, when the official, acting within the authority of his or her office or position:~~

5 ~~(1) Votes on a matter;~~

6 ~~(2) Appoints a person;~~

7 ~~(3) Obligates or commits his or her agency to any course of action;~~

8 ~~(4) Enters into any contractual agreement on behalf of his or her agency;~~

9 ~~(5) Determines not to act, within the meaning of subdivisions (a)(1), (a)(2), (a)(3), or~~
10 ~~(a)(4), unless such determination is made because of his or her financial interest. When the~~
11 ~~determination not to act occurs because of the official's financial interest, the official's~~
12 ~~determination may be accompanied by an oral or written disclosure of the financial interest.~~

13 ~~(b) When an official with a disqualifying conflict of interest abstains from making a~~
14 ~~governmental decision in an open session of the agency and the official remains on the dais or in~~
15 ~~his or her designated seat during deliberations of the governmental decision in which he or she is~~
16 ~~disqualified, his or her presence shall not be counted toward achieving a quorum.~~

17 ~~(c) During a closed meeting of the agency, a disqualified official shall not be present~~
18 ~~when the decision is considered or knowingly obtain or review a recording or any other~~
19 ~~nonpublic information regarding the governmental decision.~~

20 ~~(d) Notwithstanding subdivision (a) of this regulation, to determine if a public official~~
21 ~~who holds an office specified in Section 87200 is making, participating in making, or using or~~
22 ~~attempting to use his or her official position to influence a governmental decision relating to an~~
23 ~~agenda item which is noticed for a meeting subject to the provisions of the Bagley Keene Act~~

1 ~~(Section 11120 et seq.) or the Brown Act (Section 54950 et seq.) apply Regulations~~
2 ~~18704.1(a)(1) (a)(4), 18704.2, 18704.3, 18704.4, and 18704.5.~~
3 ~~Comment: Nothing in this section authorizes or prohibits an agency by local rule or custom from~~
4 ~~requiring a disqualified member to step down from the dais and/or leave the chambers.~~
5 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 81002, 81003,~~
6 ~~87100, 87101, 87105 and 87200, Government Code.~~